

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLEN DAVID DANIEL,

Plaintiff,

v.

CASE NO. 08-11000
HONORABLE GEORGE CARAM STEEH

PATRICIA CARUSO, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTIONS FOR RELIEF FROM
JUDGMENT AND FOR AN INJUNCTION OR RESTRAINING ORDER**

Plaintiff Allen David Daniel is a state prisoner at Marquette Branch Prison in Marquette, Michigan. On March 10, 2008, Plaintiff filed a *pro se* civil rights complaint in which he named 160 defendants. The complaint alleged that the defendants impeded Plaintiff's access to the courts and interfered with his mail, fabricated misconduct tickets and retaliated against him, physically abused him, and destroyed or confiscated his personal property. He sought a full investigation and other injunctive relief. The Court summarily dismissed the complaint as frivolous and for failure to state a claim because Plaintiff had not shown what each of the defendants did to deprive him of his federal constitutional rights. Currently pending before the Court are Plaintiff's motion for a preliminary injunction and temporary restraining order [Doc. 9, Apr. 21, 2008], his Motion for Relief from Judgment under Federal Rules of Civil Procedure 8 and 60(b) [Doc. 10, Apr. 28, 2008], and his Motion for Relief from Judgment under Federal Rules of Civil Procedure 59 and 60(b) [Doc. 11, Apr. 28, 2008].

The rambling motions make some of the same allegations as the civil rights complaint, but do not cure the defect in the complaint. Plaintiff still has not shown what each defendant did to deprive him of his constitutional rights, and he may not alter or amend his complaint to avoid the summary dismissal. *See Baxter v. Rose*, 305 F.3d 486, 489 (6th Cir. 2002), *abrogated on other grounds by Jones v. Bock*, ___ U.S. ___, 127 S. Ct. 910 (2007); *Benson v. O'Brian*, 179 F.3d 1014, 1015-16 (6th Cir. 1999); *McGore v. Wigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997).

Plaintiff also has not provided any basis for altering or amending the Court's judgment. Therefore, the pending motions for injunctive relief and relief from judgment [Docs. 9-11] are

DENIED.

Dated: May 12, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 12, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk